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OFFICE OF PETITIONS

In re Application of :
Ball : DECISION ON PETITION
Application No. 09/427,123 :
For: October 21, 1999 :
Atty. Dkt. No.: 2818.1US :

This is a decision on the petition under 37 CFR 1.137(a) to revive the above-identified application filed August 1, 2007. This petition is, sua sponte, being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The Advisory Action mailed May 7, 2007 indicated that the application held abandoned because for failure to timely submit a proper reply to the final Office action mailed October 8, 2003.

DECISION UNDER 37 CFR 1.181

Petitioner argues that a proper reply to the final Office action was timely submitted December 27, 2003.

The reply submitted December 27, 2003 is contained in the record and has been reconsidered by the examiner. The reply was deemed a proper reply to the final Office action.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

DECISION UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) requires (1) the required reply, unless previously filed; (2) the petition fee as


of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In view of the withdrawal of the holding of abandonment, the petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT.**

Petitioner is entitled to a refund of the previously submitted \$500.00 petition fee and may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be forwarded to Group Art Unit 2822 for consideration of the terminal disclaimer submitted December 23, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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Office of Petitions